

Council on Postsecondary Education
July 30, 2001

Council Bylaws

Action: The staff recommends that the council adopt the revised bylaws.

Approved:

COUNCIL ON POSTSECONDARY EDUCATION

1.2: BYLAWS

I. Statement of Purpose

The bylaws provide a framework for the deliberations and actions of the Council on Postsecondary Education (CPE) in carrying out statutory duties and responsibilities. The bylaws establish rules for notification and conduct of meetings; and the selection of officers. ~~and set forth the committee structure under which the council operates.~~

~~The Kentucky Community and Technical College System (KCTCS) was created by the legislature during the 1997 First Extraordinary Session. Two branches of the KCTCS were created: the Technical Institutions' Branch consisting of the postsecondary education elements of the Kentucky Tech system in the Workforce Development Cabinet; and the University of Kentucky Community College System excluding the Lexington Community College. "The Kentucky Postsecondary Education Improvement Act of 1997 (1st. EXTRA SESS.) Ky. Acts Ch. 1 provides for a transition period to the new KCTCS structure. During the period of transition and for purposes of these bylaws, CPE will ensure that both the Technical Institutions' Branch and the University of Kentucky Community College System Branch are equitably represented in all undertakings of the Council. House Bill 1 provides that KCTCS will have the same status as other state supported institutions.~~

II. Statutory Authority

~~The primary~~ Authority for council actions comes from *KRS Chapter 164* ~~and encompasses~~ encompassing public, private nonprofit, and proprietary degree-granting postsecondary institutions as well as postsecondary technical institutions. The council bylaws also conform to the requirements of *KRS Chapter 61, the Kentucky Open Meetings Law*.

III. Policy

Section 1: General Rules

A. Amendment of Bylaws

- A.1 The council may amend, revoke, or ~~approve~~ adopt additional bylaws ~~including appendices of the bylaws~~ by action of eight of the voting members.

- A.2 Notice shall be given to the members of any proposed changes or additions to the bylaws in the agenda of a regularly scheduled or special meeting of the council. All changes shall be consistent with state law and administrative regulations.

B. ~~Rules on the~~ Conduct of Meetings

- B.1 The council and all council appointed committees shall follow *Robert's Rules of Order* concerning motions, recognition of speakers, and order of business.
- B.2 The chair may recognize a non-council speaker.
- B.3 The council shall designate a parliamentarian from the membership of the council or council staff to assist the chair in interpreting the rules of order.

C. Policy Statements and Administrative Regulations

- C.1 Actions taken by the council shall constitute the policy of the council until changed or superseded.
- C.2 The council may act by adoption of policy or by administrative regulation when permitted by law.
- C.3 The council shall promulgate administrative regulations when required by state law.
- C.4 The policy statements of the council including all administrative regulations shall be available to the public on the council Website ~~maintained in the CPE Policy Manual.~~

Section 2: Selection and Terms of Officers

A. Nominating Committee

- A.1 A nominating committee consisting of the current chair and vice chair and two other council members appointed by the chair shall be created annually by April 30 ~~March 31~~ for the purpose of nominating a new chair and vice chair.
- A.2 The recommendations of the nominating committee shall be presented to the council at a regularly scheduled or special meeting prior to June 30 of each year.

~~A.3 The provisions of A.1 and A.2 above become effective in 1998.~~

B. Selection of Officers

- B.1 A chair and vice chair shall be elected annually at a regularly scheduled or special meeting held prior to June 30 and shall serve one year terms. ~~or at the pleasure of the council. The provisions of this subsection become effective in 1998.~~

- B.2 In the absence of the chair or in the event the chair is unable to perform, the vice chair shall perform the duties of the chair. In the absence of both the chair and vice chair or in the event the vice chair is unable to perform the duties of the chair, the council shall appoint a temporary chair.
- B.3 In the event the chair resigns and the vice chair assumes the duties of the chair, the council may select a vice chair to complete the unexpired term of the vice chair.
- B.4 The president shall serve as the secretary to the council and shall cause the minutes of the meetings of the council to be recorded and presented to the council.

C. Terms of Offices

- C.1 Terms of offices for the chair and vice chair shall commence on the date of election and continue for one year unless the council takes action to remove the chair or vice chair.
- C.2 The chair and vice chair may be elected to subsequent terms without limitation.

Section 3: Meetings of the Council on Postsecondary Education

A. Regular Meeting Schedule

- A.1 The council shall set the regular meeting schedule for the next year by resolution [prior to](#) ~~at~~ the last regularly scheduled meeting of the calendar year.
- A.2 The regular meeting schedule shall provide that the council meet no less than quarterly but may provide for more than quarterly meetings. *KRS 164.011(9)*
- A.3 The schedule and agenda of regular meetings shall be made available to the public through release to the press by written or electronic means. *KRS 61.820*
- A.4 The council shall meet with the Advisory Conference of Presidents at least once each year. *KRS 164.021*

B. Special Meetings and Emergency Special Meetings

- B.1 A special meeting or emergency special meeting is a meeting that is not part of the regular schedule of meetings established by the council pursuant to Section 3 A.1. above.
- B.2 The chair may call a special meeting of the council when, in the view of the chair, such a meeting is necessary. *KRS 164.011(9) and KRS 61.823*
- B.3 The chair shall call a special meeting upon receipt of a written request from a majority of the council stating the reason for the meeting. *KRS 164.011(9) and KRS 61.823*

- B.4 The following items are required in calling a special meeting and in the conduct of the special meeting:
- a. The agenda of a special meeting shall be stated in the notification of the meeting.
 - b. Discussions and action at a special meeting shall be limited to items listed on the agenda in the notice. *KRS 61.823(3)*
 - c. Written notice shall be provided to every member of the council and to each media organization filing a written request to be notified. The notice shall be provided as soon as possible but shall be calculated to be received at least twenty-four hours before the special meeting. *KRS 61.823(4)(a)(b)*
- B.5 Emergency special meetings may be called by the chair subject to the following requirements:
- a. The agency makes reasonable efforts to inform members of the council, the public, and the media of the date, time, and place of the meeting. *KRS 61.823(5)*
 - b. The chair shall, at the commencement of the meeting, state the reason for the emergency: the statement shall subsequently appear in the minutes of the special meeting. *KRS 61.823(5)*
 - c. Discussion and action by the council is limited to the emergency for which the meeting was called. *KRS 61.823(5)*

C. Place of the Meeting

- C.1 The council shall fix the place of meetings at the time they are scheduled. The council may change the place of meetings. *KRS 164.070*
- C.2 The council may hold meetings, regularly scheduled or special, by video teleconference. Meetings held by video teleconference shall conform to the notice requirements of the Open Meetings Law and Section 3 A. and B. of the council Bylaws, as appropriate. Meetings held by video teleconference also shall ~~also~~ conform to these requirements:
- a. The notice of the meeting shall clearly state that the meeting is a video teleconference. *KRS 61.826(2)(a)*
 - b. The locations of the video teleconference as well as the designation of one location as the primary location shall be contained in the notice. *KRS 61.826(2)(b)*
 - c. Rules concerning participation, distribution of materials, and other matters that

apply at the primary location shall apply to all video teleconference locations.
KRS 61.826(3)

D. Notice of and Agenda for Meetings

- D.1 Notice of all meetings, regularly scheduled and special, shall be given to members at least ten (10) days prior to the time of the meeting unless all members of the council waive notice. Waiver may be given orally or in writing. *KRS 164.080*
- D.2 The agenda and supporting materials for a regularly scheduled meeting shall, to the extent possible, be available to the members at least seven (7) days prior to the meeting. In the event some agenda materials are not available within the required time period, the president shall, as soon as possible, indicate in writing the reason for the delay and when the materials shall be available.
- D.3 Notice to members shall be by mail, personal delivery, or electronic transmission such as facsimile (FAX) or e-mail.
- D.4 The notice of a regularly scheduled or special meeting shall contain the date, time, place of the meeting and the agenda. *KRS 61.823(3)*
- D.5 Notice of and the agenda for all meetings shall be given to the Advisory Conference of Presidents. *KRS 164.021*
- D.6 Special information to be presented to the council by interested parties shall be provided to the president or chair of the council seven (7) days in advance of the scheduled meeting. The chair may waive this requirement.

E. Minutes of Meetings

- E.1 The minutes of all meetings, regular and special, shall accurately record the deliberations of the council and all actions taken.
- E.2 All meetings of council committees shall be recorded on audio tape, and the tape shall be permanently maintained ~~in the Council offices.~~
- E.3 The minutes shall be open to public inspection immediately following the next regularly scheduled meeting of the council. *KRS 61.835*

F. Quorum and Council Actions

- F.1 A quorum shall be a majority of the appointive membership of the council. *KRS 164.011(10)*
- F.2 A quorum shall be required to organize and conduct business. *KRS 164.011(11)*

- F.3 An affirmative vote of eight (8) of the appointive members shall be required to carry all propositions. *KRS 164.090 and KRS 164.011(11)*
- F.4 The council may consolidate multiple agenda items of a similar nature for the purpose of voting if there is no objection from a council member.
- a. Before a vote is taken, the chair shall ask if any member objects to the consolidation of the items and shall specify the items to be voted upon.
 - b. The objection of a single member of the council shall be sufficient to require a separate vote on each item.
- F.5 The council may, at regularly scheduled meetings, act on any subject within the powers of the council. The council may, by a vote of eight members, add items to the agenda of a regularly scheduled meeting.

G. Closed Sessions

- G.1 It is the policy of the council that all meetings, regularly scheduled or special, be open to the public unless the matter under discussion meets the exceptions contained in *KRS 61.810*.
- G.2 The following requirements, consistent with *KRS 61.815*, shall be met as a condition for conducting closed sessions:
- a. The chair shall give notice in the open meeting of the general nature of the business to be discussed in a closed session.
 - b. The chair shall state the reason for the closed session citing a specific *KRS 61.810* provision authorizing a closed session.
 - c. The session may be closed only upon a motion made and approved by a majority of the appointive membership of the council present at the meeting.
 - d. No formal action may be taken at a closed session.
 - e. No matters may be discussed at a closed session other than those publicly announced prior to convening a closed session.
- G.3 The requirements of the council for the conduct of closed sessions shall at all times meet the requirements of *KRS 61.815*.

Section 4: Committees

A. Committees--General

- A.1 The council may create, modify, or abolish any committee, unless the committee is established by statute, upon action taken by a majority of the appointive membership.

~~Committees of the Council shall be designated upon creation as Operating Committees, Standing Advisory Committees, or Special Advisory Groups or Task Forces.~~

- a. ~~Operating Committees are established to manage the work of the Council, specifically to review all agenda items assigned, discuss and evaluate issues and recommend action to the Council. Membership on Operating Committees is restricted to Council members with Council staff assigned by the president to assist the committee.~~
 - b. ~~Standing Advisory Committees are established by the Council to provide advice and counsel to the Council on issues and policies. Membership on Standing Advisory Committees may include Council members, Council staff, representatives of postsecondary education institutions, lay citizens and public officials. The designation of an advisory committee as "standing" is recognition of the significance and on-going nature of the subject matter assigned to the committee.~~
 - c. ~~Special Advisory Groups or Task Forces are established by the Council to address specific issues and problems. By their nature, Special Advisory Groups or Task Forces are time limited. Membership on Special Advisory Groups or Task Forces may include Council members, Council staff, representatives of postsecondary education institutions, lay citizens and public officials.~~
- A.2 The chair of the council shall appoint members to all committees unless membership is directed by statute or council policy.
- A.3 The chair of the council shall assign specific tasks and subject matter to all committees unless action of the council directs the assignment of a task or subject matter to a committee.
- A.4 The president shall assign staff, as appropriate, to assist committees ~~Operating Committees, Standing Advisory Committees or Special Advisory Groups or Task Forces.~~
- ~~A. 5 The council may create, modify, or abolish any committee, unless the committee is established by statute, upon action taken by a majority of the appointive membership.~~
- A.56 The chair of the council shall be an ex officio, voting member of all committees ~~Operating and Standing Advisory Committees.~~

~~A.7 The president shall be an ex officio, non-voting member of all Standing Advisory Committees and Special Advisory Groups or Task Forces unless otherwise indicated by action of the Council.~~

B. Executive Committee~~Operating~~

B.1 Membership

The Executive Committee shall consist of the chair, vice chair, and three other council members appointed by the chair.

B.2. Purpose

Review all agency budget and personnel matters, provide for an annual audit of the agency, evaluate the president, and recommend annual compensation for the president.

B.3. Terms

The three appointed members shall serve one-year terms.

B.4 Purpose

~~The purpose of the Executive Committee is to advise and recommend to the Council on the following issues and activities:~~

~~a. The Strategic Agenda and Strategic Implementation Plan~~

- ~~(1) Develop a strategic agenda for postsecondary education, communicate actions of the Strategic Committee on Postsecondary Education (SCOPE) to the Council, and communicate actions of the Council to SCOPE; and~~
- ~~(2) Develop a Strategic Implementation Plan for the postsecondary education system designed to accomplish the strategic agenda.~~

~~b. Trends~~

- ~~(1) Develop a mechanism to determine future trends for the postsecondary education system and to incorporate those trends into the Strategic Implementation Plan and into other Council policy initiatives; and~~
- ~~(2) Provide trend information in support of the Strategic Implementation Plan.~~

~~c. Operations~~

- ~~(1) Review all agency budget and personnel matters, including an annual~~

evaluation of the president, and recommend annual compensation for the president;

(2) ~~Monitor institutional progress relative to the *Kentucky Plan for Equal Opportunities* and serve as liaison with the Committee on Equal Opportunities; and~~

(3) ~~Develop an annual work plan for the Council in conjunction with the Academic Affairs and Finance Committees.~~

d. ~~Perform such other duties and tasks as assigned by the Council or by the chair of the Council.~~

B.2 Membership

~~Membership on the Executive Committee shall consist of seven members:~~

a. ~~The chair of the Council;~~

b. ~~Vice chair of the Council;~~

c. ~~The chairs of the Academic Affairs and Finance Committees;~~

d. ~~The immediate past chair of the Council; and~~

e. ~~Two additional members of the Council appointed by the chair of the Council.~~

B.3 General

a. ~~The Executive Committee is empowered to act on behalf of the Council only on those matters directed by the Council and within the limits of the direction given by the Council.~~

b. ~~When the Executive Committee acts relative to B.1. d. above, the Council shall specifically state the authority of the committee.~~

c. ~~The Executive Committee shall report any actions taken to the Council at the next regular meeting. Committee actions are advisory only.~~

B.4 Meetings

~~The Executive Committee shall meet at the call of the chair.~~

C. Academic Affairs--Operating

C.1 Purpose

~~The purpose of the Academic Affairs Committee is to address matters relating to quality assurance and enhancement efforts that result in an efficient, responsive, seamless, and integrated system of postsecondary education. Specifically, the Committee shall advise the Council and make recommendations on policies, standards, initiatives, and reporting related to the following areas:~~

- a. ~~Academic Programs and Student Services~~
 - (1) ~~Academic program coordination, delivery, and outcomes, including standards for the review of all existing academic programs and criteria and standards for the establishment of new academic programs;~~
 - (2) ~~Support for P-12 education reform;~~
 - (3) ~~Transfer of academic credit among public institutions;~~
 - (4) ~~Admissions related policies, including minimum admission standards, pre-college curriculum, and dual credit; and~~
 - (5) ~~Student services, programs, and communications, including partnerships with the P-12 education system, that help create a more student-centered postsecondary education system.~~
- b. ~~A comprehensive system of public accountability, including performance indicators related to educational quality, student advancement and success, research and service, and use of resources;~~
- c. ~~A coordinated and comprehensive approach to workforce development and technology transfer;~~
- d. ~~Private college and university licensing; and~~
- e. ~~Other tasks as assigned by the chair of the Council.~~

C.2 Membership

~~Membership on the Academic Affairs Committee shall consist of eight members:~~

- a. ~~A chair;~~
- b. ~~Vice chair;~~

- c. ~~Five members of the Council all appointed by the chair of the Council; and~~
- d. ~~The Commissioner of Education or designated representative as an ex officio, non-voting member.~~

C.3 General

~~The Academic Affairs Committee shall report any actions taken to the Council at the next regular meeting. Committee actions are advisory only.~~

C.4 Meetings

~~The Academic Affairs Committee shall meet at the call of the chair.~~

D. Finance Committee--Operating

D.1 Purpose

~~The purpose of the Finance Committee is to address issues related to finance, construction and data management and to advise and recommend to the Council on the following activities:~~

- a. ~~Biennial budget and financial reporting~~
 - (1) ~~Determine tuition for the postsecondary education institutions. *KRS 164.020(8) and 13 KAR 2:050;*~~
 - (2) ~~Develop funding proposals for the biennial budget consistent with the strategic agenda for postsecondary education;~~
 - (3) ~~Develop, review, analyze and recommend biennial budget requests for institutions and for the system of postsecondary education. *KRS 164.020(9) and (10);*~~
 - (4) ~~Develop and implement a financial reporting system for the institutions. *KRS 164.020(25);*~~
- b. ~~Review and recommend institutional capital projects, including the acquisition of real property, consistent with *KRS 45.750(1)(f)* which establishes the financial limits for projects requiring legislative approval. *KRS 164.020(11);*~~
- c. ~~Maintain a comprehensive data base for the postsecondary education system; and~~
- d. ~~Perform such other tasks as assigned by the chair of the Council.~~

D.2 Membership

~~The Finance Committee shall consist of eight members:~~

- a. ~~A chair;~~
- b. ~~Vice chair; and~~
- c. ~~Six members of the Council all appointed by the chair of the Council.~~

D.3 General

~~The Finance Committee shall report to the Council any actions taken at the next regular meeting. Committee actions are advisory only.~~

D.4 Meetings

~~The Finance Committee shall meet at the call of the chair.~~

E. ~~Standing Advisory Committees~~

E.1 General Rules

- a. ~~The Council shall establish Standing Advisory Committees as required by statute and consistent with an executive order or administrative regulation.~~
- b. ~~The Council may establish such Standing Advisory Committees as it deems necessary to carry out the statutory duties and responsibilities of the Council.~~
- c. ~~The Council shall develop a charter for each Standing Advisory Committee and include each committee charter in Appendix A as part of these bylaws.~~

~~E.2 Membership may consist of Council members, Council staff, institutional representatives, lay citizens, or public officials.~~

~~E.3 Institutional representation shall be determined by the president of the institution except where such representation is set by statute or by the action establishing the committee.~~

~~E.4 In appointing members to Standing Advisory Committees, the chair shall consider the need for institutional and constituent representation.~~

F. ~~Special Advisory Groups and Task Forces~~

~~F.1 The Council may create a Special Advisory Group or Task Force to address specific issues or to advise the Council on matters of interest. *KRS 164.020(31)*~~

F.2 General Rules

- a. ~~A Special Advisory Group or Task Force may be created by a majority of the voting membership of the Council.~~
- b. ~~The action by the Council creating a Special Advisory Group or Task Force shall describe the charge to the committee and the timeframe, if appropriate, for the completion of the assigned task.~~

F.3 ~~Membership may consist of Council members, Council staff, institutional representatives, lay citizens, or public officials.~~

F.4 ~~Institutional representation shall be determined by the president of the institution except where such representation is set by the action establishing the committee.~~

F.5 ~~In appointing members to Special Advisory Groups or Task Forces, the chair shall consider the need for institutional and constituent representation.~~

Section 5: ~~Strategic Committee on Postsecondary Education (SCOPE)~~

A. ~~Purpose~~

~~SCOPE is a statutory committee consisting of membership of the Council on Postsecondary Education, the Governor and members appointed by the Governor and legislative branch members. KRS 164.004~~

~~SCOPE is to serve as a forum for the Council and elected leadership of the Commonwealth to exchange ideas about the future of postsecondary education in Kentucky. KRS 164.004(4).~~

B. ~~Council Membership on SCOPE~~

B.1 ~~SCOPE, by statute, includes six Council members and one Council staff member to be determined as follows:~~

- a. ~~The chair of the Council (by statute);~~
- b. ~~The vice chair of the Council;~~
- c. ~~The chairs of the Academic Affairs Committee and the Finance Committee;~~
- d. ~~The president of the Council (by statute); and,~~
- e. ~~Two members of the Council appointed by the chair of the Council.~~

~~B.2 The chair of the Council serves as chair of SCOPE.~~

Section ~~5~~ **6**: Compensation and Expenses of Members

A. General

- A.1 For the purpose of compensation and payment of expenses to members of the council, meetings shall include all regularly scheduled and special meetings of the council; meetings of council committees; hearings; and special events where a member represents the council at the request of the chair.
- A.2 Members of the council who reside out of state shall not be reimbursed for out-of-state travel to council meetings. *KRS 164.050*

B. Compensation of Members

- B.1 Members of the council shall receive compensation for each meeting attended in the amount specified by *KRS 164.050*.

C. Expenses of Members

- C.1 Council members shall receive reimbursement for actual expenses incurred traveling to and attending meetings of the council as defined in Section ~~5~~ **6**A.1.
- C.2 The chief state school officer shall receive reimbursement of expenses in the same manner as other expenses reimbursed through the Department of Education.

Section ~~6~~ **7**: President and Staff

A. President

- A.1 The council shall set the qualifications for the position of president. *KRS 164.013(1) and (3)*.
- A.2 ~~The president shall be selected by the council.~~ The council shall, when selecting a president, employ a search firm and conduct a national search. *KRS 164.013 (1)*
- ~~a. The council shall employ a search firm and conduct a national search when it seeks to employ a president. *KRS 164.013(1)*.~~
- ~~b. The provision of Section 7 A. 2. a. shall not apply to the selection of the first president of the council. SCOPE shall conduct a national search using a search firm and shall recommend to the council the names of three candidates. *KRS 164.013(2)*.~~

- A.3 The president is the chief executive officer of the council and as such makes proposals to the council for consideration, develops and directs the programs and plans established by the council, ensures compliance with federal and state law, and represents the council on numerous state, regional, and national education and planning organizations. Specific duties of the president are contained in the statutes. *KRS 164.013*.
- A.4 The president is responsible for employing, directing, and administering the staff.
- A.5 The president shall make periodic reports to the council on the operation of the agency as the council shall so direct.
- A.6 The council shall perform an evaluation of the president and shall fix the compensation and terms of the contract annually.
- A.7 The president shall be compensated on a basis in excess of the base salary of any president of a Kentucky public university. The council annually shall ~~annually~~ review the salaries of the presidents of the public universities to assist in satisfying this requirement. *KRS 164.013(6)*.
- A.8 The president shall have a contract for a term not to exceed five years, renewable at the pleasure of the council.
- A.9 The president has a statutory role in the licensing of private colleges and universities and shall exercise those duties consistent with the requirements of the statutes and the direction of the council. *KRS 164.945 through 164.947 and KRS 164.992*.

B. Staff

- B.1 Staff of the council shall be employed by and be responsible to the president of the council.
- B.2 Staff shall serve at the pleasure of the president, subject to the provisions, rules, and regulations approved by the council. The president shall develop and maintain rules and policies regulating the rights, duties, and responsibilities of employees.
- B.3 The president shall develop and maintain an organization chart for the organization and shall ensure that all positions have written descriptions of duties and responsibilities.
- B.4 The president shall develop and maintain a performance evaluation system for all employees.

Certification: _____

Gordon K. Davies

Previous Actions:

Original Approval: **August 27, 1997**

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